

a*40-23

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 23, to require execution of those sentenced to death in the county where the crime was committed.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-23-114, is amended by deleting the section in its entirety and by substituting instead the following:

Whenever any person is sentenced to the punishment of death, the court shall direct that such person put to death by:

(1) electrocution, and that the body be subjected to shock by a sufficient current of electricity until dead; or

(2) lethal injection until dead.

SECTION 2. Tennessee Code Annotated, Section 40-23-116, is amended by deleting the section in its entirety and by substituting instead the following:

(a). It is the intention of the general assembly that no special privileges be given to those individuals sentenced to death by the state.

(b) The execution of any person sentenced to death by the courts of this state shall be carried out:

(1) in the county seat of the county where the crime was committed; and

(2) within one (1) year and one (1) week from the date of sentencing.

(c)

(1) In all cases in which the sentence of death has been passed upon any person by the courts of this state, it is the duty of the sheriff of the county in which such sentence of death has been passed to remove the person so sentenced to death to the appropriate location at the county seat of the county where the crime was committed for the carrying out of the execution. Such person shall be moved within one (1) week of the date fixed for the execution of the death sentence in the judgment and mandate of the court pronouncing the same. On the date fixed for such execution in the judgment and mandate of the court, the sheriff of the county where the crime was committed shall cause such death sentence to be carried out within an enclosure to be prepared for that purpose in strict seclusion and privacy.

(2) The only witnesses entitled to be present at the carrying out of such death sentence are:

- (i) A representative of the department of correction;
- (ii) The sheriff of the county in which the crime was committed;
- (iii) A priest or minister of the gospel who has been preparing the condemned person for death;

(iv) The appropriate county or regional medical examiner;

(v) Such attendants chosen and selected by the sheriff of the county where the sentence was imposed as may be necessary to properly carry out the execution of the death sentence; and

(vi) A total of seven (7) members of the print, radio and television news media selected in accordance with the rules and regulations promulgated by the department. Those news media members allowed to attend any execution of a sentence of death shall make available coverage of such execution to other news media members not selected to

attend; provided, that members of the family of the condemned prisoner may be present and witness the execution.

(d) No person or persons other than those mentioned in subsection (c) are allowed or permitted to be present at the carrying out of a death sentence. It is a Class C misdemeanor for the sheriff to permit any person or persons other than those provided for in subsection (c) to be present at such legal execution.

(e)(1) Photographic or recording equipment shall not be permitted at the execution site until the execution is completed, the body is removed, and the site has been restored to an orderly condition. However, the physical arrangement of the execution site shall not be disturbed.

(2) A violation of subdivision (e)(1) is a Class A misdemeanor.

(3) The department of correction shall promulgate rules that establish criteria for the selection of news media representatives to attend an execution of a death sentence in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. In promulgating such rules, the department shall solicit recommendations from the Tennessee Press Association, the Tennessee Associated Press Managing Editors, and the Tennessee Association of Broadcasters. For each execution of a death sentence, applications for attendance shall be accepted by the department. When the number of applications require, lots to select news media representatives will then be drawn by the sheriff of the county at which such death sentence is to be carried out. All such drawings shall be conducted in open meetings and notice shall be properly given in accordance with Tennessee Code Annotated, Section 4-5-203.

SECTION 3. Tennessee Code Annotated, Section 40-23-115, is amended by adding the following as a new subsection:

(b) The commissioner of correction shall ensure that each county seat maintains a suitable facility for the infliction of the punishment of death by lethal injection.

SECTION 4. This act shall take effect July 1, 1995, the public welfare requiring it.

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